

Message Text

CONFIDENTIAL

PAGE 01 STATE 105767
ORIGIN AF-10

INFO OCT-01 ISO-00 SCS-06 EB-08 COME-00 SS-15 NSC-05
OPIC-03 STR-07 TRSE-00 L-03 CA-01 H-01 HA-05
PPT-01 CIAE-00 INR-10 NSAE-00 /076 R

DRAFTED BY AF/W:TWMSMITH:HMN
APPROVED BY AF/W:TWMSMITH
-----054457 260400Z /17
R 252307Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY LAGOS

C O N F I D E N T I A L STATE 105767

E.O. 11652: GDS

TAGS: BGEN, OGEN, CASC, NI

SUBJECT: RAYMOND W. BAKER

1. FOLLOWING IS A MEMORANDUM FOR THE RECORD GIVEN
TO AMBASSADOR JOLAOSO, APRIL 24:

FOR NEARLY TWO YEARS THE US GOVERNMENT HAS TRIED WITHOUT
SUCCESS TO OBTAIN A SATISFACTORY RESOLUTION OF THE
CASE OF RAYMOND BAKER, PROMINENT AMERICAN BUSINESSMAN
IN LAGOS, ON WHOSE BEHALF THE AMERICAN EMBASSY IN LAGOS
AND THE US STATE DEPARTMENT HAVE BEEN SEEKING THE RESTORA-
TION OF A RESIDENCE PERMIT AND ASSURANCE OF FREEDOM TO
TRAVEL TO, FROM AND WITHIN NIGERIA ON THE SAME BASIS AS
OTHER BONA FIDE FOREIGN BUSINESSMEN. THE US GOVERNMENT'S
CONTINUING INABILITY TO OBTAIN RESULTS, OR EVEN ACKNOWLEDGE-
MENT BY THE FMG OF ITS EFFORTS ON BAKER'S BEHALF, CONSTI-
TUTES AN INCREASINGLY STRIDENT EXCEPTION TO THE GENERAL
PATTERN OF IMPROVING BILATERAL RELATIONSHIPS BETWEEN THE
US AND NIGERIA.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 105767

BY THE SAME TOKEN THAT THE BAKER CASE IS CERTAIN TO BE
RAISED IN THE JOINT US-NIGERIAN ECONOMIC TALKS IN
WASHINGTON IN APRIL 1978 AND INCLUDED IN THE SUBSEQUENT
REPORT TO PRESIDENT CARTER AND GENERAL OBASANJO, THE

TALKS PROVIDE AN OPPORTUNE OCCASION FOR RESOLVING THE

PROBLEM. THE BAKER CASE IS AN EXAMPLE OF ONE OF THE SORTS OF ISSUES THAT IMPINGE UNFAVORABLY ON THE FOREIGN INVESTMENT CLIMATE OF NIGERIA.

BAKER IS THE CHAIRMAN OF NIGERIAN DIVERSIFIED INVESTMENTS LTD. (N.D.I.). N.D.I. CONTROLS THREE JOINT VENTURES IN NIGERIA: NIGERIAN KRAFT BAGS LTD., J.I.M. CORPORATION, LTD. AND CONTINENTAL OFFICE PRODUCTS LTD. BAKER WAS PERHAPS THE FIRST AMERICAN BUSINESSMAN TO TAKE AN ACTIVE INTEREST IN INVESTING IN NIGERIA, HAVING BEEN ASSOCIATED WITH THESE OPERATIONS FOR SOME 15 YEARS. IN BOTH NIGERIA AND THE US, BAKER HAS BEEN A HIGHLY EFFECTIVE SPEAKER AND WRITER IN ENCOURAGING US INVESTMENT IN NIGERIA AND NEW PATTERNS OF ECONOMIC CO-OPERATION BETWEEN AMERICA AND AFRICA. HE HAS PROVIDED ADVICE TO MANY CORPORATIONS SEEKING TRADING AND INVESTMENT OPPORTUNITIES IN NIGERIA. HIS CONTINUING INABILITY TO OBTAIN FULL CLEARANCE FOR HIS RETURN TO NIGERIA IS CURRENTLY BLOCKING THE FINALIZATION OF THREE NEW MULTI-MILLION NAIRA MANUFACTURING PROJECTS FOR WHICH FEASIBILITY STUDIES HAVE BEEN COMPLETED AND CONTRACT NEGOTIATIONS INITIATED.

A RESUME OF THE BAKER CASE IS AS FOLLOWS:

BAKER WAS DETAINED BY NIGERIAN POLICE AUTHORITIES IN
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 105767

LAGOS FROM APRIL 2-6, 1976. HE WAS DENIED PERMISSION TO CONTACT THE EMBASSY OR ANYONE ELSE DURING THAT PERIOD. HE SPENT TWO NIGHTS SLEEPING ON THE FLOOR AND TWO NIGHTS ON TOP OF A DESK IN AN UNIDENTIFIED GOVERNMENT OFFICE. HE WAS QUESTIONED EXTENSIVELY CONCERNING HIS PERSONAL LIFE, HIS MOVEMENTS SINCE THE EVENTS OF FEBRUARY 13, THE FINANCIAL ACTIVITIES OF HIS COMPANY, ETC. OTHER THAN AN "INSPECTOR PETERS" AND A SECURITY POLICEMAN SEDET," THE IDENTITY OF HIS INTERROGATORS WAS NOT MADE KNOWN TO HIM. INTERVENTION WITH THE MINISTRY OF EXTERNAL AFFAIRS BY THE AMERICAN AMBASSADOR PRODUCED THE RETURN OF BAKER'S PASSPORT AND RESIDENCE PERMIT A MONTH LATER BY THE PERMANENT SECRETARY OF THE MINISTRY OF INTERNAL AFFAIRS. SINCE THAT TIME, BAKER HAS RETURNED ONCE TO NIGERIA. ON THAT OCCASION HE FOUND THAT HIS NAME WAS LISTED AT THE AIRPORT WITH IMMIGRATION OFFICIALS AND THAT HE WAS OBLIGED TO GIVE UP HIS PASSPORT UPON ARRIVAL. HE HAS UNSUCCESSFULLY ATTEMPTED TO OBTAIN A RENEWAL OF HIS RESIDENCE PERMIT. NEITHER BAKER NOR THE US GOVERNMENT HAS BEEN ABLE TO OBTAIN AN EXPLANATION OF THE REASONS FOR HIS ORIGINAL DETENTION AND QUESTIONING OR HIS INABILITY TO NORMALIZE HIS STATUS AS AN AMERICAN

BUSINESSMAN WORKING IN NIGERIA.

IN OCTOBER OF LAST YEAR, DURING THE MEETING AT THE WHITE HOUSE BETWEEN PRESIDENT CARTER AND GENERAL OBASANJO, THE BAKER CASE WAS RAISED IN THE CONTEXT OF A DISCUSSION ABOUT DETENTION OF AMERICAN CITIZENS WITHOUT CONSULAR ACCESS. THE AMERICAN AMBASSADOR EXPLAINED TO BOTH HEADS OF STATE THE US GOVERNMENT'S HOPE THAT BAKER'S RESIDENCE PERMIT COULD BE PROMPTLY RENEWED AND THAT BAKER WOULD IN FACT BE FREE TO TRAVEL TO, FROM, AND WITHIN NIGERIA WITHOUT RESTRICTION. THE NIGERIAN HEAD OF STATE INSTRUCTED COMMISSIONER GARBA TO LOOK INTO THE MATTER. AMBASSADOR EASUM GAVE THE COMMISSIONER A LIST OF 13 AMERICAN CITIZENS
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 105767

DETAINED WITHOUT CONSULAR ACCESS OVER THE PREVIOUS 18 MONTHS AND A LETTER FROM BAKER TO THE NIGERIAN HEAD OF STATE CONCERNING HIS INDIVIDUAL CIRCUMSTANCES.

IN THE SIX MONTHS FOLLOWING THE DISCUSSION OF THE BAKER CASE BETWEEN PRESIDENT CARTER AND GENERAL OBASANJO, THE US GOVERNMENT'S EFFORTS TO RESOLVE THE PROBLEM HAVE BEEN UNPRODUCTIVE. THREE OFFICIAL EMBASSY NOTES TO MEA ARE WORTH RECAPITULATING IN THIS CONNECTION:

-- BY NOTE NO. 864 OF DECEMBER 6, 1977, THE EMBASSY REQUESTED THE MINISTRY OF EXTERNAL AFFAIRS TO FORWARD A LETTER FROM AMBASSADOR EASUM TO COMMISSIONER OF INTERNAL AFFAIRS SHINKAFI. THE LETTER REFERRED TO THE OCTOBER 11 CONVERSATION BETWEEN PRESIDENT CARTER AND GENERAL OBASANJO AND EXPRESSED THE EMBASSY'S CONCERN THAT THE ISSUE OF BAKER'S RESIDENCE PERMIT AND FREEDOM TO TRAVEL BE RESOLVED AS SOON AS POSSIBLE. AMBASSADOR EASUM OFFERED TO DISCUSS THE MATTER WITH THE COMMISSIONER AT HIS CONVENIENCE. ON DECEMBER 14 THE MINISTRY OF EXTERNAL AFFAIRS RESPONDED TO THE EMBASSY'S NOTE WITH THE FOLLOWING STATEMENT: "THE HONORABLE COMMISSIONER OF INTERNAL AFFAIRS, ALHAJI UMAR A. SHINKAFI, HAS INFORMED THIS MINISTRY THAT HE WAS NOT AWARE OF THE CIRCUMSTANCES LEADING TO THE ALLEGED DETENTION OF MR. BAKER, AND IN ANY CASE, SUCH MATTERS DO NOT FALL WITHIN HIS IMMEDIATE JURISDICTION." THE MINISTRY OFFERED NO GUIDANCE ON HOW TO PROCEED.

-- BY NOTE NO. 906 OF DECEMBER 27, THE EMBASSY INFORMED THE MINISTRY OF EXTERNAL AFFAIRS OF ITS PUZZLEMENT AND DISAPPOINTMENT AT THE TENOR OF COMMISSIONER SHINKAFI'S RESPONSE AND REQUESTED THE URGENT ADVICE OF THE MINISTRY
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 105767

OF EXTERNAL AFFAIRS AS TO HOW TO PURSUE THE MATTER. NO
REPLY HAS BEEN RECEIVED TO THAT NOTE.

-- BY NOTE OF MARCH 25, 1978 THE EMBASSY ONCE AGAIN
SOUGHT THE MINISTRY'S ADVICE ON HOW TO PROCEED IN THE
LIGHT OF COMMISSIONER'S SHINKAFI'S RESPONSE. THIS
NOTE INFORMED THE MINISTRY THAT THE EMBASSY WOULD
BE OBLIGED TO INFORM PRESIDENT CARTER OF THE SLOW
PROGRESS OF THE CASE IN THE AFTERMATH OF THE DISCUSSION
OF IT DURING THE PRESIDENT'S MEETING WITH GENERAL OBASANJO
IN WASHINGTON THE PREVIOUS OCTOBER. NO ANSWER TO THIS
NOTE HAS BEEN FORTHCOMING FROM MEA, IN SPITE OF REPEATED
INQUIRIES FROM THE AMERICAN EMBASSY.

BECAUSE THE US GOVERNMENT BELIEVED THAT THE FMG WOULD
TAKE DUE NOTICE OF THESE THREE NOTES, AND IN VIEW
OF ORAL ASSURANCES AMBASSADOR EASUM HAD RECEIVED
FROM COMMISSIONER GARBA, THE BAKER CASE WAS IN FACT
NOT RAISED IN THE CONVERSATIONS BETWEEN THE TWO
HEADS OF STATES IN LAGOS IN APRIL. THE US GOVERNMENT,
THEREFORE, VIEWS IT AS ALL THE MORE IMPERATIVE THAT
NO FURTHER DELAY BE ENCOUNTERED IN CLEARING THIS
MATTER FROM THE NIGERIAN-AMERICAN BILATERAL AGENDA.

VANCE

CONFIDE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CITIZEN PROTECTION, BUSINESSMEN, INVESTMENT CLIMATE
Control Number: n/a
Copy: SINGLE
Draft Date: 25 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE105767
Document Source: CORE
Document Unique ID: 00
Drafter: TWMSMITH:HMN
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780177-0922
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780418/aaaaaoxi.tel
Line Count: 195
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: bc61bca7-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2851467
Secure: OPEN
Status: NATIVE
Subject: RAYMOND W. BAKER
TAGS: BGEN, OGEN, CASC, EFIN, NI, (BAKER, RAYMOND W)
To: LAGOS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/bc61bca7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014